

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

A.A., by and through her parents and guardians,
J.A. and W.A.,

Plaintiff,

v.

BLUE CROSS AND BLUE SHIELD OF
ILLINOIS, a division of HEALTH CARE
SERVICE CORPORATION ILLINOIS STATE
PAC, NFP; THE BOEING COMPANY
MASTER WELFARE PLAN; THE BOEING
SERVICE CENTER FOR HEALTH AND
INSURANCE PLANS; and EMPLOYEE
BENEFIT PLANS COMMITTEE,

Defendants.

Case No. C13-357 RSM

ORDER DENYING DEFENDANTS'
MOTION FOR LEAVE OF COURT
PURSUANT TO LOCAL RULE CR
7(E)(3)

This matter comes before the Court on Defendants' Motion for Leave of Court Pursuant to Local Rule CR 7(e)(3). Dkt. # 40. Defendants seek leave to file a motion for partial summary judgment limiting any award of benefits to the period prior to October 25, 2013. Dkt. # 40, Ex. A. Defendants anticipate filing a subsequent motion for summary judgment directed toward a broader set of issues or claims, thereby rendering the present motion a contemporaneous dispositive motion. As Defendants have failed to articulate grounds for the Court to grant the requested leave and for the reasons stated herein, Defendants' motion is DENIED.

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2 Filing of contemporaneous dispositive motions shall only be permitted with leave of the
3 Court. Local Rules W.D. Wash. LCR 7(e)(3). Defendants have repeatedly informed the Court of
4 their intent to file a cross-motion for summary judgment pursuant to the motion for summary
5 judgment filed by Plaintiff on June 20, 2013 (Dkt. # 33). *See* Dkt. # 40, p. 1 (“Defendants
6 anticipate later filing a motion for summary judgment that is broader in scope.”); Dkt. # 36, p. 1
7 (notifying the Court of intent to file cross-motion for summary judgment and requesting that the
8 motions be considered concurrently); Dkt. # 42, Ex. A, p. 2 (informing opposing counsel of
9 intent to file cross-motion for summary judgment on July 12, 2013). In their present motion,
10 Defendants fail to articulate grounds for the Court to grant leave to file the present partial motion
11 when they intend to file a contemporaneous, overlapping motion for summary judgment.
12 Moreover, Defendants’ appended partial motion is premature, as it requests that the Court
13 temporally limit any award of benefits before the Court has decided as a matter of law whether
14 Plaintiff is entitled to relief.

15 The Court declines to entertain further efforts to delay its resolution of the dispositive
16 motion long pending in this case. Plaintiff’s motion for summary judgment was noted for July
17 19, 2013 and has been fully briefed by the parties. Plaintiff has several times emphasized her
18 desire for a resolution of her dispositive motion on its merits and declined to agree to a delay of
19 the Court’s consideration. *See, e.g.*, Dkt. # 37, p. 1 (“Plaintiff does not agree to any such
20 delay.”). Defendants have long exceeded the self-imposed September 2, 2013 deadline by which
21 they informed the Court that they would be filing their intended cross-motion for summary
22 judgment. *See* Dkt. # 36, p. 2. In light of the Court’s inherent authority to control its docket,
23 Defendants are directed to file their motion for summary judgment, if any, within twenty (20)
24 days of the entry of this Order, after which the Court will proceed to render its decision on
25 Plaintiff’s motion.

26 For the reasons stated herein, it is hereby ORDERED that Defendants’ Motion for Leave
of Court Pursuant to Local Rule CR 7(e)(3) (Dkt. # 40) is DENIED. Defendants are directed to

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2 file any intended motion for summary judgment within twenty (20) days of the entry of this
3 Order, after which the Court will no longer delay resolution of Plaintiff's pending motion for
4 summary judgment.

5 Dated this 18 day of November 2013.

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8 RICARDO S. MARTINEZ
9 UNITED STATES DISTRICT JUDGE
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